

Notice of Allowability

Application No.

10/053,298

Examiner

(Jackie) Tan-Uyen T. Ho

Applicant(s)

SIMSO, ERIC J.

Art Unit

3731

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 3/8/05.
2. ☒ The allowed claim(s) is/are 1-6, 13 and 15-18.
3. ☒ The drawings filed on 22 April 2002 and 08 March 2005 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date 11/7/02
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date herewith.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Jeremy G. Laabs on 5/9/05.

The application has been amended as follows:

- Claim 1: line 12, before "tip" insert --distal--
- Claim 3: line 2, replace "retractable" with --removable-- and replace "said" with --removable--
- Claim 5: line 2, replace "retractable" with --removable-- and line 3, replace "retractable" with --removable--
- Claim 6: line 2, replace "retractable" with --removable-- and line 3, replace "retractable" with --removable--
- Claim 7 (Canceled)
- Claim 9-12 (Canceled)
- Claim 15: line 1, replace "14" with --13--
- Claim 16: line 2, replace "retractable" with --removable-- and before "distal" replace "a" with --the--
- Claim 18: line 1, before "distal" replace "a" with --the--; line 2 and 3, replace "retractable" with --removable--;

Art Unit: 3731

- The Amendment To The Specification filed 3/8/05 is not entered.
- The Replacement Drawing Sheet 1/6 (containing FIG. 1) is not entered.
- The Replacement Drawing Sheet 2/6 (containing FIG. 2 and FIG. 3) is entered.

2. The following is an examiner's statement of reasons for allowance: Claims 1-6 and 13, 15-18 are allowed because the prior art fails to disclose or suggest a catheter comprising in combination with other limitations of the claims, a guide wire passing through a cell of a stent disposed about a distal portion of the guide wire and through an opening of a wall portion of a removable sheath.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Response to Arguments

3. The drawings were received on 3/08/05. Only Replacement Drawing Sheet 2/6 is entered. The Replacement Drawing Sheet 1/6 is not entered due to new matter.

4. The amendment filed 3/8/05 is objected to under 35 U.S.C. 132(a) because it introduces new matter into the disclosure. 35 U.S.C. 132(a) states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows: The reference 52 direct to proximal ridge as shown in new figure 1 submitted on 3/8/05 is not support by original

Art Unit: 3731

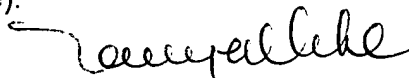
specification. Accordingly, Amendments to the Specification and Replacement Drawing Sheet 1/6 are not entered.

5. Telephone interview on 5/9/05, Applicant requested to cancel the new matter to place the application in condition for allowance.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to (Jackie) Tan-Uyen T. Ho whose telephone number is 571-272-4696. The examiner can normally be reached on MULTIFLEX Mon. to Sat..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, ANHTUAN NGUYEN can be reached on 571-272-4963. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

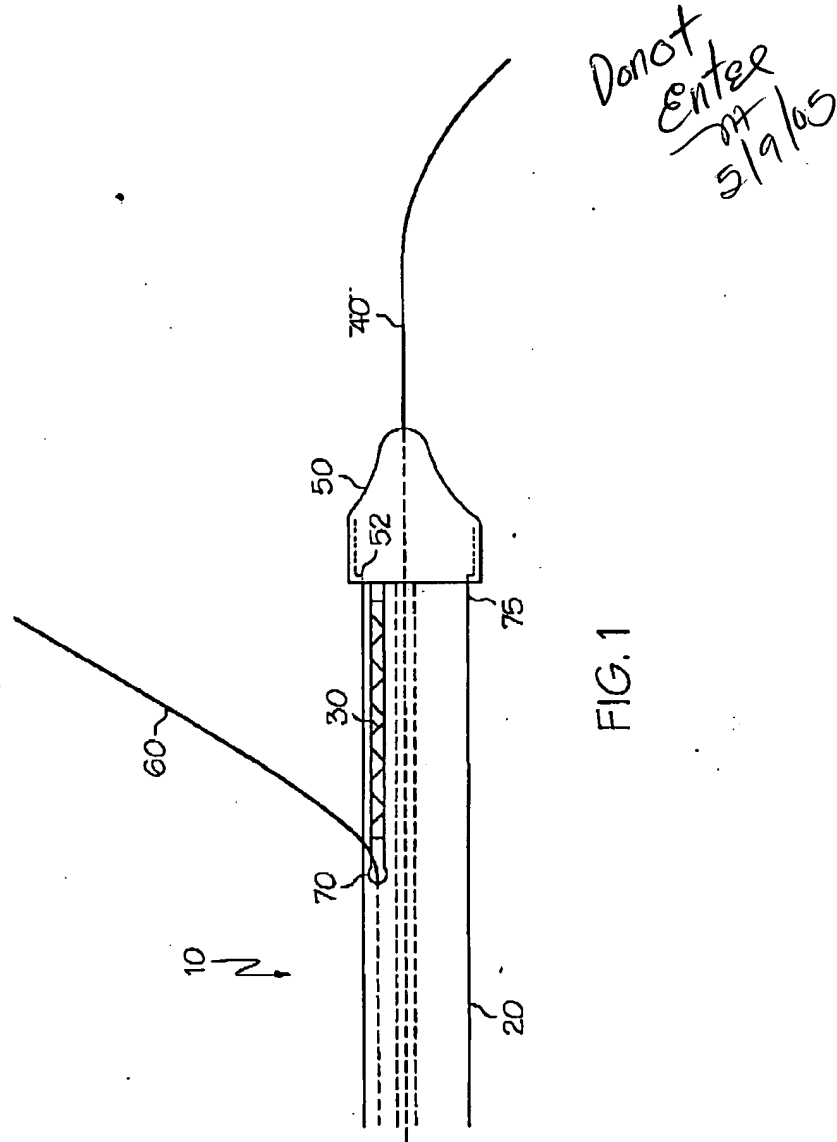


(Jackie) Tan-Uyen T. Ho
Patent Examiner
Art Unit 3731

May 10, 2005

REPLACEMENT DRAWING SHEET

1/6



REPLACEMENT DRAWING SHEET

216

enter
at 5/9/05.

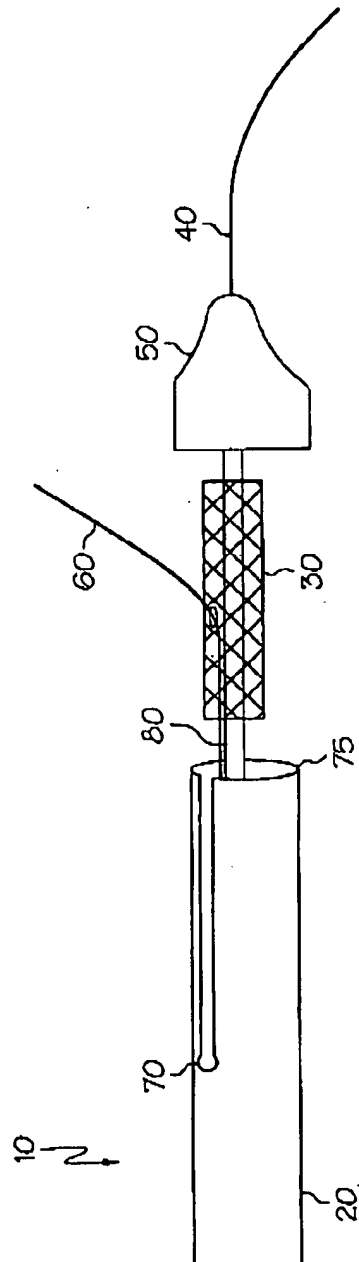


FIG. 2

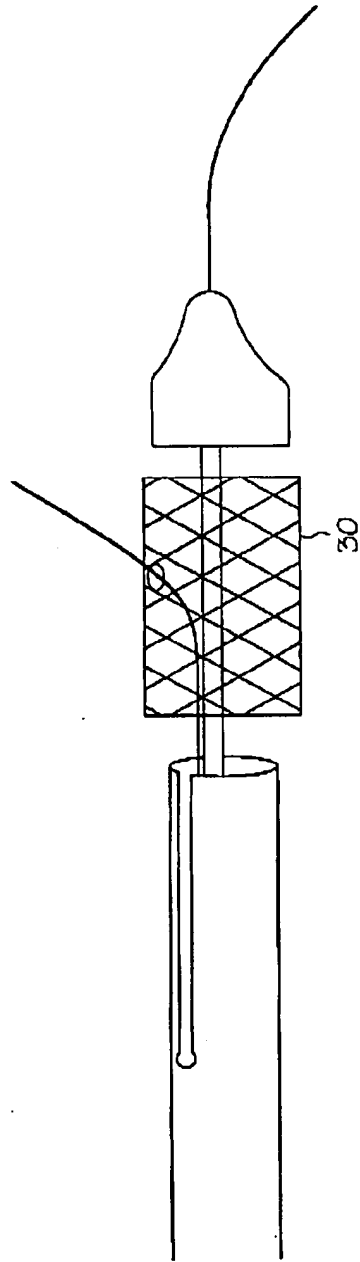


FIG. 3